



Order Filed on June 15, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

R. Cameron Legg, Esq.
OLIVER & LEGG, LLC
2240 Highway 33, Suite 112
Neptune, New Jersey 07753
732-988-1500
Attorney for Debtor(s)
courtdocs@oliverandlegg.com

In Re:

John J. Hofer

Debtor

Case No.: 22-17932

Chapter: 13

Hearing Date: June 7, 2023 @ 9am

Judge: CMG

**ORDER AUTHORIZING SALE OF REAL PROPERTY
FREE AND CLEAR OF LIENS, CLAIMS AND/OR ENCUMBRANCES**

The relief set forth on the following pages numbers two (2) through four (4) is hereby
ORDERED.

DATED: June 15, 2023


Honorable Christine M. Gravelle
United States Bankruptcy Judge

THIS MATTER, having been opened to the Court by John J. Hofer (“Debtor”), by and through his attorneys, R. Cameron Legg and the Law Office of Oliver & Legg, LLC, requesting an Order Authorizing The Sale of Real Property Free And Clear Of Liens, Claims and/or Encumbrances, pursuant To 11 U.S.C. § 363, relating to the proposed sale of real property known as 1748 Hillwood Road, Forked River, NJ (the “Property”), and the Court having considered the moving papers and opposition thereto, and, if any, oral argument, and good and sufficient cause existing for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion is GRANTED and the Debtor is authorized to sell the Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363 and 1303, and the terms herein.
2. If the lien of Select Portfolio Servicing, Inc. is not paid in full from the closing proceeds pursuant to a proper payoff quote, then any short payoff must be approved by Select Portfolio Servicing, Inc. prior to any closing date.
3. The sale of the right, title and interest in the property to Buyer pursuant to the terms and conditions set forth herein together with the Contact for Sale is hereby approved by the Court.
4. The Property is being sold free and clear of any lien or encumbrances, pursuant to 11 U.S.C. § 363(f), held by the Internal Revenue Service, Federal Tax Lien #437899821, recorded August 19, 2021, in the face / judgment amount of \$18,321.64, by consent of the IRS, subject to approval of an application for certificate of discharge of property from federal tax lien.

5. The Property is being sold free and clear of any lien or encumbrances, pursuant to 11 U.S.C. § 363(f), based upon a bona fide dispute pursuant to the Debtor's Chapter 13 Plan, of all of the following judgements:

- a. Nanette Bowman, J-228052-07, J-313219-07, and J-137179-08 with a total judgement amount of \$6,755.00;
- b. Bank of America, N.A., J-330190-08, in the judgement amount of \$16,765.97;
- c. Bank of the West, J-249322-09, in the judgement amount of \$34,416.66;
- d. New Century Financial Services, DJ-110135-11, in the judgement amount of \$8,954.62;
- e. Motor Vehicle Commission, DJ-106528-12, in the judgment amount of \$2,000.00; and
- f. First Resolution Investment Corporation, DJ-085319-13, in the judgement amount of \$12,465.60.

6. In accordance with D.N.J. LBR 6004-5, the Notice of Proposed Private Sale included a request to pay the Debtor's real estate attorney at closing. Therefore, the Seller's attorney is allowed attorney fees of \$1,500, as reflected in the Certification in Support of the Motion, and such fees are approved and may be paid at closing.

7. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.

8. The balance of any non-exempt proceeds of the sale shall be directed to the Trustee.

9. The Stay as authorized by Rule 6004(h) is waived and the sale may proceed without the expiration of the 14-day period per the Rule.

10. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.